REMARKS

By this Amendment, Applicants have added claims 15-17. Thus, claims 5, 6 and 11-17 are all the claims pending in the application.

I. **Interview Summary**

A telephonic interview, initiated by Applicants' representative was conducted on July 11, 2007, between Examiner Xu Mei, of the U.S. Patent and Trademark Office, and Applicant's representative, Grant K. Rowan.

Claims discussed: Claim 5, 6 and 11.

Prior Art discussed: Kutaragi (US Patent No. 5,257,254).

Discussion: The Examiner indicated that it is unclear what is being considered as a "pickup" as recited in claims 5 and 11. The Examiner indicated that he would withdraw the rejection under 35 U.S.C. § 112, second paragraph, upon Applicant's showing that the term is well known in the art. As discussed below, Applicant submits that such a term was well known to one of ordinary skill in the art as of the effective U.S. filing date of the present application. With regard to claims 5 and 11, the Examiner acknowledged that Kutaragi fails to teach a mixing apparatus operable with a plurality of music players, which is capable of mixing two music audio signals or two audio signals. The Examiner indicated that the rejection of claims 5, 6 and 11 would be withdrawn if such a feature were recited in the body of the claims. Applicants have amended claims 5 and 11 in a manner believed to be in accordance with the Examiner's suggestion. It is respectfully submitted that the instant Interview Summary complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

II. Rejection under 35 U.S.C. § 112, second paragraph

Claims 5-6 and 11-13 have been rejected under 35 U.S.C. § 112, second paragraph, because the phrase "a pickup" is allegedly unclear. Applicants respectfully submit that one skilled in the art would know what a "pickup" is and how it functions.

For instance, U.S. Patent No. 5,373,495 to Takada ("Takada") issued on December 13, 1994, discloses a non-limiting example of a "pickup 18." For example, column 2, line 67, to column 3, line 8, states:

> Reference numeral 18 denotes a pickup provided on the table 6. The pickup 18 is adapted to be moved from the inside to the outside of the disk CD by a later described feed motor so as to throw a laser beam from a semiconductor laser on the pits formed on the signal recording surface on the back side of the disk CD to thereby obtain, from the reflected beam, such signals as an information signal of music, a later described sub-code, and a pickup servo signal (hereinafter these signals together will be called "pickup signal").

(Emphasis added).

Clearly, as of the effective U.S. filing date of the present application, one skilled in the art would know the scope and meaning of the phrase "a pickup," as recited in claims 5-6, 11-13 and new claims 15-17. As such, Applicants submit that claims 5-6, 11-13 and 15-17 are not indefinite and satisfy the requirements of 35 U.S.C. § 112, second paragraph.

III. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 5,257,254 to Kutaragi ("Kutaragi")

Claims 5, 6 and 11 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kutaragi. Applicants submit that the claims are patentable over the reference.

As noted above in the interview summary, Applicants submitted that Kutaragi fails to teach the claimed mixing apparatus operable with a plurality of music players, which is capable of mixing two music audio signals. For example, as described in Kutaragi, a subcode detecting circuit 13 receives reproduced data from a descramble circuit 12, detects subcode information from the data, and supplies the subcode information to a central control apparatus 15. (Column 16, lines 41-49). Then, the central control apparatus 15 instructs an address generating circuit 26 to generate a predetermined address signal having a format that corresponds to the format of the subcode information. (Column 16, lines 53-60).

Afterwards, a subcode encoder 27 encodes the address signal and supplies the encoded address signal to the mixer 28. (column 16, lines 60-63). Then, the mixer 28 mixes the encoded address signal with digital data input from an input terminal 29 and outputs the mixed signal to the recording and reproducing apparatus 1. (Column 16, line 64, to column 17, line 4). Since the mixer 28 only receives an encoded address signal from the encoder 27 and the input digital data from the terminal 29, it is not capable of mixing two audio signals. As such, the mixer 28 does not disclose or teach the claimed mixing apparatus, and claim 5 is patentable over Kutaragi. During the interview, the Examiner indicated that the rejection of claims 5, 6 and 11 would be withdrawn if the above-discussed feature were recited in the body of the claim. By this Amendment, Applicants have amended claims 5 and 11 in a manner believed to be in accordance with the Examiner's suggestion. Specifically, claims 5 and 11 recite "a reproduction operation to reproduce an audio signal", whereas the device of Kutaragi produces a signal in which an

encoded address signal and digital data are mixed together. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

IV. Rejection under 35 U.S.C. § 103(a) over Kurtagi in view of U.S. Patent No. 5,054,077 to Suzuki ("Suzuki")

Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kutaragi in view of Suzuki. Since claims 12 and 13 are dependent upon claims 5 and 11, respectively, and Suzuki fails to cure the deficient teachings of Kutaragi with respect to claims 5 and 11, Applicant submits that such claims are patentable at least by virtue of their respective dependency.

V. Rejection under 35 U.S.C. § 103(a) over Suzuki in view of Kutaragi

Claim 14 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki in view of Kutaragi. Since claim 14 contains the feature "means for adding said first and second audio signals which have their levels adjusted by said level adjusting means to reproduce an audio signal," which is similar to the features discussed above in conjunction with claims 5 and 11, and since Suzuki fails to cure the deficient teachings of Kutaragi with respect to claims 5 and 11, Applicant submits that claim 14 is patentable for similar reasons.

VI. Newly Added Claims

Applicant has added new claims 15-17. Since claims 15-17 contain features that are similar to the features discussed above in conjunction with claim 14, Applicant submits that such claims are patentable for similar reasons.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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